IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

WP(C).No. 17261 of 2007(E)

PETITIONER:

PONNAMMA, D/O. L.KANNI,
PUTHUVAL PARAVILA, PUTHENVEEDU, VARKALA P.O.,
TRIVANDRUM.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENT:

THE VARKALA MUNICIPALITY,
VARKALA, REPRESENTED BY ITS SECRETARY,
VARKALA, TRIVANDRUM.

BY ADV. SRI.J.S.AJITH KUMAR,SC,VARKALA MUNICIPA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 17261 OF 2007 E

Dated this the 8th June, 2007

JUDGMENT

The Writ Petition is filed seeking the following reliefs:

> *"i. Issue a writ of mandamus or other appropriate writ, order or direction directing the respondent to grant licence to the petitioner for the period 1.5.2007 to 31.4.2008 as requested in Ext.P8 and till then stay Ext.P9.*
>
> *ii. Issue a writ of prohibition, prohibiting the respondent from evicting the petitioner except in accordance with the provisions of the Land Conservancy Act."*

2. Case of the petitioner, in brief, is as follows:

Petitioner is a deserted woman belonging to the "Kuravar" community and is a member of the downtrodden strata of the society. According to her, for the past more than three decades she was residing along with her only son at the puramboke land in Survey No.530 which comprised of fifteen cents. But,

recently, her son passed away leaving her alone. She is conducting a country tea shop in a thatched katcha house at the area, which is the sole construction that exists and the income from the tea shop is the sole source of her livelihood. There are altogether thirty families residing in the puramboke land, it is stated. This puramboke land lies adjacdent to the beach area. Her residential building bears door number issued by the Municipal Authorities and the new number is 1/278. Her residence is electrified also, it is submitted. Ext.P1 is a photo copy of the Electricity Bill. She has also got identity card as Ext.P2, and ration card as Ext.P3. Petitioner also relies on Ext.P7 Possession Certificate. She had approached this Court earlier and obtained Exts.P5 and P6 Judgments. Licence was granted for the year 2001-2002 upto 2005-2006. She applied for renewal of the licence upto 2007-2008 vide Ext.P8. Now, she is aggrieved by the affixture of Ext.P9 notice informing her that as the licence has expired, she should vacate the premises.

3. Heard the learned counsel for petitioner and the learned counsel appearing for the respondent Municipality. Counsel for respondent would submit that the respondent has not received Ext.P8. He would submit that the land occupied by petitioner is not Municipal puramboke, and that it is a Revenue puramboke. Counsel for petitioner also submits that it is a Revenue puramboke and an application for assignment is pending. At any rate, counsel for respondent submits that if the petitioner files an application seeking renewal, it will be considered on condition that the petitioner will not put up any permanent structure. Counsel for petitioner submits that an application will be filed and the petitioner will not put up any permanent structure and also the petitioner will give an assurance that she will not put up any permanent structure. If the petitioner makes an application for renewal and makes assurance in writing that she will not put up any permanent structure, the respondent

will take a decision on the application within a period of one week of receipt of such application.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.